

Adam T. Klein (AK 3293)
Jack Raisner (JR 6171)
OUTTEN & GOLDEN, LLP
3 Park Avenue, 29th Floor
New York, NY 10016
Telephone: (212) 245-1000
Facsimile: (212) 97704005
Email: atk@outtengolden.com
Email: jar@outtengolden.com

James M. Finberg (CA Bar # 114850)
Eve H. Cervantez (CA Bar #164709)
ALTSHULER BERZON, LLP
177 Post Street, Suite 300
San Francisco, CA 94108
Telephone: (415) 421-7151
Facsimile: (415) 352-8064
Email: jfinberg@altshulerberzon.com
Email: ecervantez@altshulerberzon.com

Kelly M. Dermody (CA Bar #171716)
Rachel Geman (RG 0998)
Jahan C. Sagafi (CA Bar #224887)
**LIEFF, CABRASER, HEIMANN
& BERNSTEIN, LLP**
275 Battery Street, 30th Floor
San Francisco, CA 94111-3339
and
780 Third Avenue, 48th Floor
New York, NY 10017-2024
Telephone: (415) 956-1000
Facsimile: (415) 956-1008
Email: kdermody@lchb.com
Email: rgeman@lchb.com
Email: jsagafi@lchb.com

*Attorneys for the Plaintiffs and the
Proposed Class Members*

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

ANDREW CLARKE and TAPAS SARKAR,
individually and on behalf of other similarly
situated persons,

Plaintiffs,
v.

J.P. MORGAN CHASE & CO.,
Defendant.

08 Civ. 2400 (CM) (JCF)

**DECLARATION OF ADAM T.
KELIN IN SUPPORT OF MOTION
FOR CONSOLIDATION AND
APPOINTMENT OF OUTTEN &
GOLDEN, LIEFF CABRASER, AND
ALTSHULER BERZON AS CO-
LEAD INTERIM CLASS COUNSEL
PURSUANT TO FEDERAL RULES
OF CIVIL PROCEDURE 23(G)
AND 42(A)**

I, Adam T. Klein declare as follows:

1. I am a partner at OUTTEN & GOLDEN, LLP, counsel for the plaintiffs in the above-captioned case. I make this statement of my own personal knowledge, and if called to testify, could and would testify competently thereto.
2. On April 28, 2008, to ensure the orderly and efficient prosecution of two similar lawsuits – the above-captioned lawsuit and that of *Fezza, et al. v. JP Morgan Chase & Co. and JP Morgan Chase Bank, N.A.*, 08-cv-03004 CM-THK (S.D.N.Y.) (“*Fezza*”) – I contacted Seth Lesser, plaintiffs’ counsel in *Fezza*, to discuss a leadership and management structure for these Chase overtime litigations. I sought an agreement from the *Fezza* counsel that (1) the *Fezza* and *Clarke* actions be consolidated; (2) proposed Interim Class Counsel (Plaintiffs’ counsel in the above-captioned case) would be lead counsel for the consolidated action based on their greater experience with this type of litigation, and because they represent the first-filed plaintiffs; and (3) *Fezza* counsel limit their representation to the named plaintiffs in the *Fezza* action. The *Fezza* counsel refused.

I declare under penalty of perjury under the laws of the United States that the forgoing is true and correct.

Dated: New York, New York
April 29, 2008

By: /s/ Adam T. Klein (AK 3293)
Adam T. Klein